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10 Attorneys for Defendant GIUSEPPE PENZATO

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIUSEPPE PENZATO and KESIA PENZATO,

Defendants.

CASE NO. CR-12-0089 EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTIONS
HEARING AND/OR STATUS
CONFERENCE**

STIPULATION

The parties in this matter are currently scheduled to appear before the Court for a hearing on discovery motions and/or a status conference on August 22, 2012. Since their last appearance, the defendants have been actively engaged in discovery review and investigation, and defense counsel have identified discovery motions to bring before the Court. At the same time, the parties are pursuing a potential resolution. The parties are scheduled to meet on August 24, 2012 for settlement discussions and to meet and confer on outstanding discovery requests.

Given the possibility that the meeting on August 24 will alter the trajectory of the case – or, at a minimum, moot certain discovery motions that the defendants presently intend to file – the

1 parties jointly submit that the hearing date and status conference presently scheduled for August
2 22, 2012 should be continued. To allow sufficient time for briefing of any discovery issues that
3 the parties cannot resolve, the parties jointly propose October 17, 2012 as a new date for the
4 motions hearing and/or status conference.

5 The parties further agree and stipulate that the time from August 22, 2012 through October
6 17, 2012 should be excluded under the Speedy Trial Act. Given the need for defense counsel to
7 complete their review of discovery already produced, along with new discovery that may be
8 produced as a result of meet-and-confer efforts, as well as defense counsel's need to prepare
9 motions to address any unresolved discovery issues, the parties agree that the failure to grant a
10 continuance would unreasonably deny the defendants the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

12 IT IS SO STIPULATED.

13 DATED: August 16, 2012

Respectfully submitted,

14 */s/ Josh A. Cohen*

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16 Nanci L. Clarence
17 Josh A. Cohen
18 Attorneys for GIUSEPPE PENZATO

19 */s/ Gail Shifman*

20 _____
21 Gail Shifman
22 Attorney for KESIA PENZATO

23 */s/ Owen Martikan*

24 _____
25 Owen Martikan
26 Assistant United States Attorney

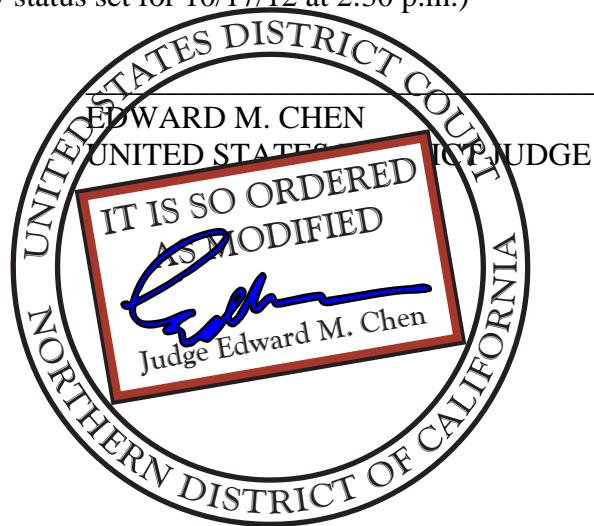
27 ORDER

28 Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that the motions
29 hearing and status conference presently scheduled for August 22, 2012 shall be continued to
30 October 17, 2012 at 2:00 p.m. It is further ORDERED that the time from August 22, 2012
31 2:30 p.m.

1 through October 17, 2012 shall be excluded under the Speedy Trial Act. The Court finds that the
2 ends of justice served by the continuance outweigh the best interest of the public and the defendant
3 in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Further, the Court finds that the failure to grant
4 a continuance would unreasonably deny the defendants the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

6 IT IS SO ORDERED. (modified, new status set for 10/17/12 at 2:30 p.m.)

7 DATED: 8/17/12



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